BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to Ensure Compatibility With Enhanced 911 Emergency Calling Systems	)	CC Docket No. 94-102
Amendment of Parts 2 and 25 to Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements; Petition of the National Telecommunications and Information Administration to Amend Part 25 of the Commission's Rules to Establish Emissions Limits for Mobile and Portable Earth Stations Operating in the 1610-1660.5 MHz Band	)	IB Docket No. 99-67

REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION

The Telecommunications Industry Association ("TIA") hereby replies in response to initial comments to the Commission's Further Notice of Proposed Rulemaking in the above-captioned proceeding.[1]

As stated in its initial comments,[2] TIA is the leading trade association representing the communications and information technology industry, with 1,000

[1] *Further Notice of Proposed Rulemaking*, FCC 02-326 (released Dec. 20, 2002) ("FNPRM"); Public Notice, DA 03-209 (released Jan. 27, 2003) (extending comment and reply comment filing deadlines).

member companies that manufacture or supply the products and equipment used in global communications. Among their numerous lines of business, TIA member companies design, produce and deploy terrestrial and satellite wireless network and terminal equipment (including telematics equipment) and multi-line telephone systems, areas in which the Federal Communications Commission ("Commission" or "FCC") is reevaluating for the need to require compliance with its basic and enhanced 911 ("E911") service rules.

TIA's comments urged the Commission to adopt a sense of extreme caution as it considers whether to extend E911 requirements to equipment manufacturers and to services not now contemplated by its rules. With current E911 implementation efforts continuing to prove time consuming and technically complex, TIA offered its view that new Commission initiatives here would be premature and would divert scarce resources from the ongoing efforts of not only industry but the overburdened PSAPs as well. Other commenting parties shared this view.[3]

TIA's Comments outlined in detail how neither the Wireless Communications and Public Safety Act of 1999[4] nor the Communications Act provide the Commission with the authority to impose E911 regulations on equipment manufacturers. Moreover, while equipment manufacturers play an important role in the implementation of reliably functioning E911 systems, they typically do not design or configure the overall, end-to-end system and they do not exert control over its configuration. As a result, a

---

[2] Comments of the Telecommunications Industry Association (Feb. 19, 2003) ("TIA Comments").

[3] *See, e.g.,* Comments of Motorola at 1-3; Comments of the Cellular Telecommunications and Internet Association at 7.

[4] Wireless Communications and Public Safety Act of 1999, Pub. L. No. 106-81, 113 Stat. 1256 ("911 Act").

manufacturer alone simply cannot ensure that the E911 system in which its equipment is deployed complies fully with the Commission's rules.

After examining the initial comments filed in this proceeding, TIA is concerned with a few suggestions that the Commission, in contemplating the application of E911 requirements to new technologies, disregard questions of technical complexity and feasibility and instead focus on whether a consumer would expect a communications device or service to offer E911 callback and location identification capability.[5] Ignoring practical, economic and technical barriers and imposing regulations *a priori* will itself create unrealistic and unjustified expectations, will drain industry resources, and will act as a drag on the development and introduction of new and innovative technologies and services. Therefore, any consideration of extending E911 requirements to any public telecommunications service that is not already providing effective emergency communications should start with a careful determination of what will be technologically and economically feasible and effective for that service and its users. This determination can then be used to set appropriate goals and expectations. It is essential for the public, the industry, and the Commission that E911 expectations reflect the realities and practical limitations of the technologies.

TIA's comments also noted that the lack of uniformity in state regulations and requirements for the operation of E911 systems presents a serious product design and development cost barrier.[6] A patchwork of system performance requirements threatens to increase equipment costs by fracturing production markets, thus destroying efficiencies as manufacturers seek to design products to meet varying state and local requirements.

---

[5] *See* Comments of NENA and NASNA at 2-5; Comments of the Association of Public-Safety Communications Officials-International, Inc. (APCO) at 4-5.

TIA's comments therefore suggested that state coordination on system requirements is critical, and that a federal oversight role in some situations may deserve exploration.

There was support among initial commenters on this point, particularly in relation to wireline multi-line telephone systems (MLTS).[7] For example, close adherence by states to something like the NENA Model Legislation for E911 MLTS equipment would help avoid a "patchwork quilt" problem. The Model Legislation was crafted to provide for business MLTS support of E911 in a technology neutral manner by not dictating the type of network services utilized to achieve the result.

Currently, there is a lack of uniformity in the availability and technical details of the local exchange services needed to transmit and utilize the information that certain state laws require to be provided from an MLTS. In the absence of uniform local network service offerings, state or federal efforts to protect consumers by imposing regulations on MLTS manufacturers, vendors and/or users will lead to unduly burdensome and counterproductive results. The NENA Model Legislation approach suggests modification of Part 64 (Misc. Rules Relating to Common Carriers) and perhaps Part 68 (Terminal Equipment Registration) of the Commission's rules[8] in order to improve the interface between central office equipment and terminal products. Such approach, of course, presumes close coordination of NENA and industry design directives.

With rapid technological changes in industry, however, the NENA Model Legislation, initiated some five years ago and completed three years ago, and targeting legacy, wireline MLTS, has its limitations. For example, it is not clear whether the

---

6 TIA Comments at 3.

7 *See generally* Comments of Avaya, Inc.; Comments of NEC America, Inc.

model is applicable for complex and evolving wireless (including IEEE 802.xx) and packet networks. Moreover, concerns exist regarding a lack of widespread distribution of this model to all interested parties for review and input, as well as close coordination between the emergency services community and the wide variety of industry standards efforts that might be implicated.

Any industry consensus model, going forward, must account for the ever-increasing complexity of evolving communications networks. The onus will be on industry standards bodies to coordinate closely their efforts regarding future services, architectures, and operations to ensure that interworking and operational issues are understood and resolvable in a timely manner. This also requires close coordination with NENA and other emergency service stakeholders.

Should states continue to implement varying laws and regulations that do not conform closely to such a consensus model, a federal approach might become necessary. At that point, the Commission could seek comment more specifically on whether and how it should proceed. In the meantime, the Commission should help foster close communication and cooperation between industry and NENA, APCO and other emergency service representatives.

---

[8] 47 C.F.R. Parts 64 and 68.

CONCLUSION

TIA requests that the Commission take into consideration the views expressed above and in TIA's initial comments. While TIA is sympathetic to the Commission's desire to explore the implications of future developments in communications to E911 systems, the Commission should maintain a cautious approach to extension or expansion of the reach of its E911 rules. It also should play a supportive role in the development of consensus models for E911 implementation issues.

Respectfully submitted,

Telecommunications Industry Association

By: /s/ Bill Belt
Bill Belt
Director, Technical Regulatory Affairs

Derek Khlopin
Director, Law and Public Policy

Grant Seiffert
Vice President, External Affairs & Global Policy

1300 Pennsylvania Ave., NW
Suite 350
Washington, DC 20004

March 25, 2003